

MEMO ENDORSED

**LAW OFFICE OF
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April 2, 2020

Via ECF & Email Failla NYSDChambers@nysd.uscourts.gov

Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square
New York, NY 10007

Re: United States v. Garnet Steven Murray-Sesay
20 CR 003 (KPF)

Dear Judge Failla:

I am the attorney for Garnet Steven Murray-Sesay, the defendant in the above-referenced case who has requested that his sentencing hearing proceed telephonically. As the Government has informed Your Honor, the MDC is now prepared to conduct this proceeding by telephone. However, I believe the current schedule for the filing of the parties' sentencing submissions (April 3 and 10) as well as the conduct of the telephonic sentencing proceeding itself (April 13) should be adjourned for a brief but necessary period of time to allow for the preparation of a second and corrected final Presentence Report.

Unfortunately, in connection with the filing yesterday of its Presentence Report, the Probation Office (1) did not address at all any of the timely submitted defense objections to the first disclosure of the Presentence Report when preparing its final report, (2) based its sentencing recommendation on materially inaccurate facts, and (3) did not conduct a family member interview.

Last night, I was informed by Supervisory Probation Officer Kathleen Coad that a revised and second final Presentence Report will be prepared to address these issues.

Accordingly, I respectfully request that the foregoing deadlines be adjourned as requested herein.
Thank you for your consideration of this application.

Respectfully,

/s/ Richard E. Signorelli

Richard E. Signorelli

cc (via email):

AUSA Alexander N. Li/AUSA Thomas S. Burnett
Supervisory USPO Kathleen Coad
USPO Johnny Y. Kim
MDC Legal Counsel, Holly Pratesi

cc (via 1st Class Mail):

Garnet Steven Murray-Sesay , Inmate Reg. # 93980-083
(registered under the misspelled name: "Gafnet" S. Murray-Sesay)

Application GRANTED. Mr. Murray-Sesay's telephonic sentencing, previously scheduled for April 13, 2020, is hereby ADJOURNED to **April 27, 2020, at 2:00 p.m.** Given the rescheduling, Defendant's sentencing submission is due to the Court on or before **April 13, 2020**. The Government's sentencing submission shall be due to the Court on **April 20, 2020**.

Having reviewed many submissions from Mr. Murray-Sesay's counsel over the past week, the Court offers the following observation: Based on the information available to it (which is concededly incomplete), defense counsel does not appear to appreciate the severity of his client's conduct in this case or his client's prior criminal history. The Court expects that, by the sentencing date, the defense will more fairly contend with both issues.

The Court will conduct the sentencing telephonically, on its own conference line. Counsel for Mr. Murray-Sesay has indicated that Mr. Murray-Sesay wishes to waive his right to be physically present at his sentencing. (See Dkt. #63). Accordingly, the Court will only proceed with the sentencing telephonically if it is able to confirm, at such time, that Mr. Murray-Sesay's waiver is knowing and voluntary. See Fed. R. Crim. P. 43(c)(1)(B); *United States v. Salim*, 690 F.3d 115, 122-24 (2d Cir. 2012).

The dial-in information is as follows: At 2:00 p.m. on April 27, 2020, the parties shall call (888) 363-4749 and enter access code 5123533. If the conference line requests a "security code" the parties shall press "*". Please note, the conference will not be available prior to 2:00 p.m.

SO ORDERED.

Dated: April 2, 2020
New York, New York



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE